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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,527	10/16/2003	William J. Caldwell	03118	5225
20879	7590	02/08/2005	EXAMINER	
EMCH, SCHAFFER, SCHAUB & PORCELLO CO P O BOX 916 ONE SEAGATE SUITE 1980 TOLEDO, OH 43697			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,527

Applicant(s)

CALDWELL ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8-14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15,16,19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The disclosure is objected to because of the following informalities: In the amended Abstract, "means" in line 3 should be deleted.

Appropriate correction is required.

Claims 1, 14-16 and 18-20 are objected to because of the following informalities: In claim 1, lines 7 and 13, it is not clear in what sense the locking system has both a securing means and a pin. It would appear that the pin should be redefining the securing means. In line 1 of claims 14-16 and 18-20, "member" should be replaced with --system--, for consistency. In claim 16, lines 3-4, there is no antecedent basis for "said lower position". In claim 20, lines 3-4, there is no antecedent basis for "said lower position" of the lower end. Note that the lower position in claim 17, line 15 is referring to the securing member. Appropriate correction is required.

Applicant should note that limitations such as "secured to" in claim 1, line 3 and "engaged to" in claim 13, line 4, for example, is regarded as positively claiming the door in all of the independent claims. Further, a trailer is regarded as being positively claimed in claims 9 and 10.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Herrman.

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Herrman teaches a security locking system including a locking bar 3 on a door, a lock housing 5,6 adjacent the door, an advancing means 4 on the door, and a securing means pin 11 to be received in an aperture 9 in the bar.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrman in view of either Leto or Dickerson.

Leto teaches a lock 36 used with a pin 40. Dickerson teaches a lock (I) used with a pin 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lock with the pin 11 of Herrman, in view of the teaching of either Leto or Dickerson, the motivation being to prevent pin actuation by only those authorized to unlock the pin.

Claims 1, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modica in view of Massie.

Modica teaches a door 1 having a locking bar 5 having a recess 27 to receive a securing means pin 23, 29, a lock housing defined by the recess 31 to receive the bar 5, advancing means 17, 19, a lock 51 as seen in fig. 4, and a solenoid electric control 47 for actuating the pin 23. Massie teaches an aperture 7 in a bar 6 to receive a pin 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an aperture for the recess 27 of Modica, in view of the teaching of

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Massie, the motivation being to provide a secure engagement between the bar and the pin of Modica.

Claims 1, 8-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelcin in view of either Leto or Modica, and Massie.

Pelcin teaches a door of a compartment, which compartment includes an upper wall, lower wall, and opposing sides, a locking bar 12 received in a lock housing engagement means 14, a securing member 11 engageable with a stop member 13 at the upper wall, and interconnecting and advancing means 34, 41, 41 to extend and retract the locking bar 12 and securing member 11. Leto teaches that it is well known to provide a securing/retention means 36 and pin 40 in a housing 36 to engage the end of a locking bar 18 of a trailer door. Modica teaches that it is well known to provide a securing/retention means locking pin 23 in a housing to engage the end of a locking bar 5. Massie teaches an aperture 7 in a bar 6 to receive a pin 4. It would have been obvious to provide a securing/retention means pin to be received in an aperture of the locking bar in the housing 14 of Pelcin, in view of the respective teachings of Leto or Modica, and Massie, the motivation being to prevent unauthorized retraction of the locking bar and unlocking of the trailer door. Note that with respect to claims 11 and 12, Modica teaches an electronic control solenoid 47, as set forth above.

Claims 15, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicant's arguments with respect to claims 1 and 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

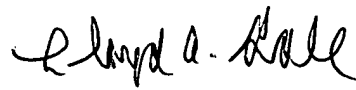
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828 and after April 2005 at 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
February 4, 2005

  
**Lloyd A. Gall**  
**Primary Examiner**